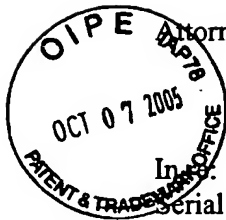


ew 3736
PATENT



Attorney Docket No. 9099-2IP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Scarantino et al.

Conf. No.: 1156

Serial No.: 10/089,483

Group: 3736

Filing Date: September 17, 2002

Examiner: Michael C. Astorino

For: **METHODS, COMPUTER PROGRAM PRODUCTS, AND DEVICES FOR
CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS USING
CHRONICALLY TISSUE IMPLANTED GENERATING ELECTRODES**

Date: October 5, 2005

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF
INVENTORSHIP UNDER 37 CFR §1.48

Sir:

The Applicants hereby request and/or petition under 37 CFR §1.48 that the designation of inventorship in the above-identified patent application be amended so as to add three inventors to jointly designate Chang-Soo Kim, Troy H. Nagle, Charles W. Scarantino, Stefan Ufer, Jason Fiering and Bahram Ghaffarzadeh Kermani.

This Petition is accompanied by:

- (1) Statements pursuant to 37 C.F.R. § 1.48 from the added inventors, Jason Fiering and Bahram Ghaffarzadeh Kermani, stating that the error in inventorship occurred without deceptive intention on their part;
- (2) A copy of a Petition under 37.C.F.R. § 1.183 filed concurrently herewith requesting the suspension of the required statement under 37 C.F.R. § 1.48 from the added inventor Stefan Ufer and the petition fee in the amount of \$400 as required by 37 CFR § 1.17(f);
- (3) A New § 1.63 Declaration and Power of Attorney pursuant to 37 C.F.R. § 1.48 naming the six inventors, which is not signed by the added inventor Stefan Ufer as discussed in the Petition under 37 C.F.R. § 1.183 also requesting the suspension of 37 C.F.R. § 1.63;
- (4) A copy of an Assignment to North Carolina State University, which is not signed by the added inventor Stefan Ufer as discussed in the Petition under 37 C.F.R. § 1.183, and cover sheet with the associated fee in the amount of \$40.00 to cover the recordation fee, which was faxed to the United States Patent and Trademark Office concurrently herewith; and

10/11/2005 TBESHMH1 00000005 10089483 130.00 0P
01 FC:1464

In re: Scarantino et al.
Serial No. 10/089,483
Filed: September 17, 2002
Page 2

- (5) Two consent of Assignee documents executed on behalf of the co-assignees of the above-identified application, North Carolina State University and Sichel Technologies, Inc., respectively. Copies of the original recorded assignments of the above referenced patent are included with the consent of the Assignees in accordance with § 3.73; and
- (6) The petition fee in the amount of \$130.00 as required by 37 CFR § 1.17(i). Any additional fees or refunds associated with this transaction may be charged or overpayment credited to our Deposit Account No. 50-0220.

Respectfully submitted,

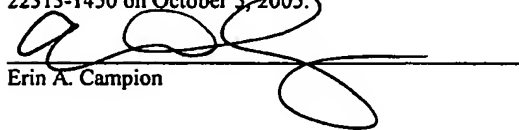


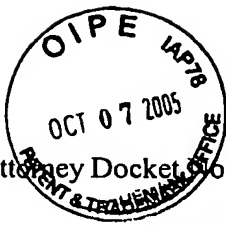
Elizabeth A. Stanek
Registration No. 48,568
Attorney for Applicants

Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Tel (919) 854-1400
Fax (919) 854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2005.


Erin A. Campion



Attorney Docket No. 9099-2IP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Scarantino et al.

Conf. No.: 1156

Serial No.: 10/089,483

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Examiner: Michael C. Astorino

For: METHODS, COMPUTER PROGRAM PRODUCTS, AND DEVICES FOR
CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS USING
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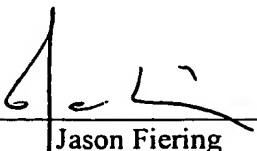
DECLARATION IN SUPPORT OF PETITION FOR
CORRECTION OF INVENTORSHIP UNDER 37 CFR 1.48(a)

Sir:

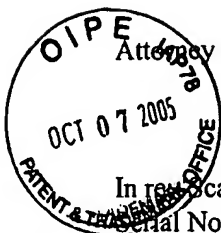
I, Jason Fiering, hereby state that I am submitting the following statement in support of the Petition for Correction of Inventorship being filed concurrently herewith. This statement is submitted to establish that the original misdesignation of inventorship was made inadvertently and without any deceptive intent on my part.

At the time the above-referenced application was filed in the U.S. Patent and Trademark Office my name was not designated as an inventor. This failure to designate me as an inventor was made inadvertently and without deceptive intent on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Jason Fiering
Date: 6/29/04



Attorney Docket No. 9099-2IP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Scarantino et al.

Conf. No.: 1156

Serial No.: 10/089,483

Group: 3736

Filing Date: September 17, 2002

Examiner: Michael C. Astorino

For: METHODS, COMPUTER PROGRAM PRODUCTS, AND DEVICES FOR
CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS USING
CHRONICALLY TISSUE IMPLANTED GENERATING ELECTRODES

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


DECLARATION IN SUPPORT OF PETITION FOR
CORRECTION OF INVENTORSHIP UNDER 37 CFR 1.48(a)

Sir:

I, Bahram Ghaffarzadeh Kermani, hereby state that I am submitting the following statement in support of the Petition for Correction of Inventorship being filed concurrently herewith. This statement is submitted to establish that the original misdesignation of inventorship was made inadvertently and without any deceptive intent on my part.

At the time the above-referenced application was filed in the U.S. Patent and Trademark Office my name was not designated as an inventor. This failure to designate me as an inventor was made inadvertently and without deceptive intent on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Bahram Ghaffarzadeh Kermani

Date: 6/29/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Scarantino et al.

Conf. No.: 1156

Serial No.: 10/089,483

Group: 3736

Filing Date: September 17, 2002

Examiner: Michael C. Astorino

For: **METHODS, COMPUTER PROGRAM PRODUCTS, AND DEVICES FOR
CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS USING
CHRONICALLY TISSUE IMPLANTED GENERATING ELECTRODES**

Date: October 5, 2005

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR SUSPENSION OF 37 C.F.R. §§ 1.48 and 1.63
UNDER 37 C.F.R. § 1.183

Sir:

The Applicants hereby request and/or petition under 37 CFR § 1.183 for the suspension of the signature requirements for Mr. Stefan Ufer under 37 C.F.R. § 1.47 as Mr. Ufer has refused to sign the necessary papers such that the designation of inventorship in the above-identified patent application can be amended as requested in the concurrently filed Request for Correction of Inventorship under 37 C.F.R. § 1.48. Evidence in support of the suspension of rules is provided herein.

Applicants and Applicants' representative have been trying to resolve the inventorship of the above referenced application since early 2002. An inventorship investigation by Applicants' representative, Elizabeth A. Stanek, resulted in the addition of Stefan Ufer, Jason Fiering and Bahram Ghaffarzadeh Kermani. Mr. Ufer, Mr. Fiering and Mr. Kermani concurred that they should be named as inventors on the above referenced application. Mr. Fiering and Mr. Kermani signed documents to implement the correction of the inventorship. Mr. Ufer has refused to sign these documents.

In particular, Applicants' representative has forwarded the documents necessary to correct inventorship in the above referenced matter to Mr. Ufer for his signature on multiple occasions. An Assignment, a Declaration and a statement pursuant to 37 C.F.R. § 1.48 were forwarded to Mr. Ufer via Federal Express on June 24, 2004. *See* Letter from Elizabeth A. Stanek to Mr. Ufer on 6/24/04 at TAB A. Even though Mr. Ufer is an employee of North Carolina State University (NCSU) and under an obligation to assign to NCSU, the signed documents were not signed and returned by Mr. Ufer. Applicants' representative, Elizabeth

In re: Scarantino et al.
Serial No. 10/089,483
Filed: September 17, 2002
Page 2

A. Stanek, attempted to contact Mr. Ufer by telephone and email several times, but the documents were still not signed and returned. Finally, on November 5, 2004, the Assignment, Declaration and statement pursuant to 37 C.F.R. § 1.48 were again forwarded to Mr. Ufer for his signature. In the letter forwarding the documents, Mr. Ufer was warned that if he did not return the signed documents, Applicants' representative would proceed with changing the inventorship using procedures directed to dealing with an uncooperative inventor. *See* Letter from Elizabeth A. Stanek to Mr. Ufer on 11/5/04 at TAB B.

Accordingly, Applicants respectfully submit that a *bona fide* attempt was made to obtain Mr. Ufer's signature on the Assignment, Declaration and statement pursuant to 37 C.F.R. § 1.48 so as to obtain correction of inventorship in the above referenced matter. In fact, Mr. Ufer expressly refused to sign the documents presented to him for signature, even though he agreed that he should be named as an inventor on the above referenced application. Thus, Applicants respectfully request that a suspension of the necessary rules be granted so the proper inventorship may be on file in the above referenced application.

The petition fee in the amount of \$400.00 as required by 37 CFR 1.17(f) is included herein. Any additional fees or refunds associated with this transaction may be charged or overpayment credited to our Deposit Account No. 50-0220.

Respectfully submitted,



Elizabeth A. Stanek
Registration No. 48,568
Attorney for Applicants

Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Tel (919) 854-1400
Fax (919) 854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2005.



Erin A. Campion

MYERS E. GEL SIBLEY & SAJOVEC, P.A.

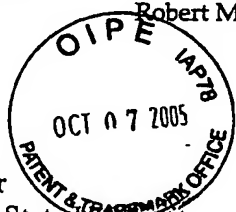
PATENT LAWYERS

Jarett K. Abramson
D. Randal Ayers
David D. Beatty
Mitchell S. Bigel
Needham J. Boddie, II
Lynne A. Borchers
James R. Cannon
Anna R. Carr

Robert N. Crouse
Robert W. Glatz
Scott C. Hatfield
Devin R. Jensen
Laura M. Kelley
Shawna C. Lemon, Ph.D.
Karen A. Magri, Ph.D.
Robert M. Meeks

Mary L. Miller, Ph.D.*¹
D. Scott Moore
James D. Myers
Timothy J. O'Sullivan
David K. Purks
Julie H. Richardson
Rohan G. Sabapathypillai
F. Michael Sajovec

Grant J. Scott
Kenneth D. Sibley
Elizabeth A. Stanek
Richard P. Vitek
Karen L. Wade, Ph.D.*²



June 24, 2004

Mr. Stefan Ufer
North Carolina State University
Campus Box 7911
Raleigh, NC 27695-7911

Via Federal Express

Ref: 9099.2
Dept:

Date: 24JUN04 SHIPPING \$11.25
Wgt: 1 LBS SPECIAL \$0.68
HANDLING \$0.00
TOTAL \$11.93

SERVICE: STANDARD OVERNIGHT
TRACK: 6018 7719 8865

Re: Inventorship: 9099-2 Family of Patents and Applications
Our Ref. Nos.: 9099-2, 2DV, 2IP, 2CT and 2CT2

Dear Mr. Ufer:

As you know we have been working on resolving the inventorship of the above-referenced patent and applications for several years now. Attached hereto is a memorandum that memorializes our investigation that resulted in the presently named inventorship. To implement the necessary changes, enclosed herewith are documents related to one or more of the above-referenced matters for your signature. Please sign the enclosed documents and return them to my attention by **July 1, 2004** using the enclosed Federal Express label. We appreciate your assistance with this matter. We recommend that you keep a signed copy for your records.

Please let us know if you have any questions.

Best regards.

Sincerely,

Elizabeth A. Stanek

Enclosure

cc: Julie H. Richardson, Esq. (w/o enc.)
Sandy Mitofsky (w/o enc.)
Robert D. Black, Ph.D. (w/o enc.)

Mailing Address:
PO Box 37428
Raleigh, NC 27627

P: (919) 854-1400
F: (919) 854-1401
Int'l: +1 919 854 1400

Street Address:
4140 Parklake Ave.
Suite 600
Raleigh, NC 27612

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PATENT LAWYERS

Jarett K. Abramson
D. Randal Ayers
David D. Beatty
Mitchell S. Bigel
Needham J. Boddie, II
Lynne A. Borchers
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Julie H. Richardson
Rohan G. Sabapathypillai
F. Michael Sajovec

Grant J. Scott
Kenneth D. Sibley
Elizabeth A. Stanek
Richard P. Vitek

November 5, 2004

Mr. Stefan Ufer
North Carolina State University
Campus Box 7911
Raleigh, NC 27695-7911

Re: Inventorship: 9099-2 Family of Patents and Applications
Our Ref. Nos.: 9099-2IP

Dear Mr. Ufer:

Despite our repeated telephone and email messages to you on this topic and our prior letter of June 24, 2004, we have not received the documents that were sent to you to implement the necessary changes to inventorship in the above referenced application. Accordingly, we are reforwarding to you with this letter documents related to adding you as an inventor in the above-referenced application for your signature. Thus, please sign the three enclosed documents where indicated and return them to my attention by December 1, 2004 using the enclosed Federal Express label. We appreciate your assistance with this matter. We recommend that you keep a signed copy for your records.

Please note that if we do not receive the signed documents by December 1, 2004, we will proceed with changing the inventorship in the above referenced application using procedures directed to dealing with an uncooperative inventor.

Please let us know if you have any questions.

Best regards.

Sincerely,



Elizabeth A. Stanek

Enclosure

cc: Sandy Mitofsky (w/o enc.)
Robert D. Black, Ph.D. (w/o enc.)
H. Troy Nagle, Ph.D. (w/o enc.)

Mailing Address:
PO Box 37428
Raleigh, NC 27627


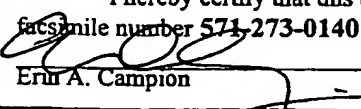
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Raleigh, NC 27612

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ASSIGNMENT RECORDATION FORM COVER SHEET *Patents Only*

To: Commissioner for Patents: Date: October 5, 2005 Please record the attached original documents or copy thereof. Attorney Docket No.: 9099-2IP	
1. Name of conveying parties: [1.] Stefan Ufer [2.] Jason Fiering [3.] Bahram Ghaffarzadeh Kermani Additional name(s) of conveying party(ies) attached? ___ Yes ___ No	2. Name and address of receiving party: North Carolina State University Campus Box 7003 Raleigh, North Carolina 27695-7003 Additional name(s) & address(es) attached? ___ Yes <u>X</u> No
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: [1.] Not signed (see Request for Suspension of 37 CFR §§1.48 and 1.63 Under 37 CFR §1.183) [2.] June 29, 2004 [3.] June 29, 2004	
4. Application Serial No. <u>10/089,483</u> ; Filed <u>September 17, 2002</u> If this document is being filed together with a new application, the execution date of the application is: _____ Additional numbers attached? ___ Yes <u>X</u> No	
5. Name and address of party to whom correspondence concerning document should be mailed: Elizabeth A. Stanek Myers Bigel Sibley & Sajovec P. O. Box 37428 Raleigh NC 27627	6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41) <u>\$40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 50-0220
DO NOT USE THIS SPACE	
9. Statement and signature <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <u>Elizabeth A. Stanek, Reg. # 48,568</u> Name of Person Signing </div> <div style="width: 30%; text-align: center;">  Signature </div> <div style="width: 10%; text-align: center;"> <u>October 5, 2005</u> Date </div> </div> Total number of pages including cover sheet, attachments and document: <u>5</u>	
<p style="text-align: center;">CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number <u>571-273-0140</u> on October 5, 2005.</p> <div style="display: flex; align-items: center;">  <div style="margin-left: 10px;"> <u>Erin A. Campion</u> Name </div> </div>	

ASSIGNMENT

THIS ASSIGNMENT, made by us **Stefan Ufer**, citizen of the United States of America, residing at 41 South Swain Raleigh, NC 27601; **Jason Fiering**, citizen of the United States of America, residing at 300 Summer Street, #38, Boston, Massachusetts 02210; and **Bahram Ghaffarzadeh Kermani**, citizen of the United States of America, residing at 7110-C Calabria Court, San Diego, CA 92122;

WITNESSETH: That,

WHEREAS, we are certain of the joint inventors of certain new and useful improvements in **METHODS OF CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS USING CHRONICALLY TISSUE IMPLANTED GENERATING ELECTRODES AND RELATED DEVICES** which corresponds to PCT application Serial No. PCT/US00/08310, filed on March 29, 2000, which claims priority from U.S. Patent Application No. 09/407,359, filed September 29, 1999, and to U.S. Provisional Patent Application No. 60/102,447, filed September 30, 1998; and

WHEREAS, **North Carolina State University**, a constituent institution of The University of North Carolina and an educational institution chartered under the laws of the State of North Carolina having a principal office at Campus Box 7003, City of Raleigh, County of Wake, State of North Carolina 27695-7003, hereinafter referred to as assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all provisionals from which the application claims priority, continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, including any term extensions granted thereon, together with the right to claim the priority of said application in all foreign countries in accordance with the International

Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

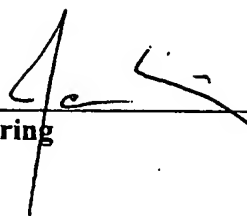
We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this _____ day of _____, 2004.

Stefan Ufer (SEAL)

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 29
day of JUNE, 2004.



Jason Fiering (SEAL)

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 29th
day of June, 2004.

Bahram Ghaffarzadeh Kermani (SEAL)
Bahram Ghaffarzadeh Kermani

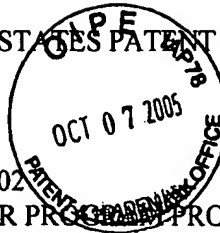
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Scarantino et al.

Serial No.: 10/089,483

Filing Date: September 17, 2002

For: METHODS, COMPUTER PROGRAMS, PRODUCTS, AND DEVICES FOR
CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS USING
CHRONICALLY TISSUE IMPLANTED GENERATING ELECTRODES



Conf. No.: 1156

Group: 3736

Examiner: Michael C. Astorino

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONSENT OF CO-ASSIGNEE TO CORRECTION OF
INVENTORSHIP UNDER 37 CFR 1.48(a) AND
STATEMENT UNDER 37 C.F.R. 3.73(b)

Sir:

North Carolina State University is the co-assignee of the entire right, title, and interest in the above-referenced patent application. An Assignment from the inventors, Chang-Soo Kim, Troy H. Nagle, Stefan Ufer, Jason Fiering and Babram Kermani, to North Carolina State University is attached hereto.

The Assignee, North Carolina State University, hereby consents to the correction of inventorship for the above-referenced patent application to name Chang-Soo Kim, Troy H. Nagle, Charles W. Scarantino, Stefan Ufer, Jason Fiering and Bahram Ghaffarzadeh Kermani as the inventors.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

7/8/04
Date

919 515 7199
Telephone Number

North Carolina State University

Typed or printed name


Signature

Donna M. Cookmeyer
Director

Title
Office of Technology Transfer

ASSIGNMENT

THIS ASSIGNMENT, made by us H. Troy Nagle, citizen of the United States of America, residing at 18 Heath Place, Durham, North Carolina 27705; Jeffrey Mueller, citizen of the United States of America, residing at 111 Lamdash Lane, Cary, North Carolina 27511 and Chang-Soo Kim, citizen of the ^{Republic of Korea} ~~United States of America~~, residing at 3500 Milltree Road, Apt. A6, Raleigh, North Carolina 27612;

WITNESSETH: That,

WHEREAS, we are the joint inventors of certain new and useful improvements in **METHODS, SYSTEMS, AND ASSOCIATED IMPLANTABLE DEVICES FOR DYNAMIC MONITORING OF PHYSIOLOGICAL AND BIOLOGICAL PROPERTIES OF TUMORS** for which an application for United States Letters Patent has been filed in the United States Patent and Trademark Office on September 29, 1999, under Serial No. 09/407,359, and

WHEREAS, North Carolina State University, a constituent institution of The University of North Carolina and an educational institution chartered under the laws of the State of North Carolina having a principal office at Campus Box 7003, City of Raleigh, County of Wake, State of North Carolina 27695-7003, hereinafter referred to as assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all provisionals from which the application claims priority, continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, including any term extensions granted thereon, together with the right to claim the priority of said application in all foreign countries in accordance with the

International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

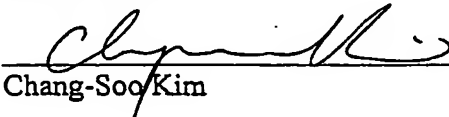
We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 15th day of December, 1999.

 (SEAL)
H. Troy Nagle

____ (SEAL)
Jeffrey Mueller

 (SEAL)
Chang-Soo Kim

International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

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IN WITNESS WHEREOF, we have hereunto set our hands and seals on this _____ day of _____, 1999.

H. Troy Nagle (SEAL)

Jeffrey Mueller 12/19/1999 (SEAL)
Jeffrey Mueller

Chang-Soo Kim (SEAL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Scarantino et al.

Serial No.: 10/089,483

Filing Date: September 17, 2002

For: METHODS, COMPUTER PROGRAM PRODUCTS, AND DEVICES FOR
CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS USING
CHRONICALLY TISSUE IMPLANTED GENERATING ELECTRODES

Conf. No.: 1156

Group: 3736

Examiner: Michael C. Astorino



Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONSENT OF CO-ASSIGNEE TO CORRECTION OF
INVENTORSHIP UNDER 37 CFR 1.48(a) AND
STATEMENT UNDER 37 C.F.R. 3.73(b)

Sir:

Sicel Technologies, Inc. is the co-assignee of the entire right, title, and interest in the above-referenced patent application. An Assignment from the inventor Charles W. Scarantino to Sicel Technologies, Inc. is attached hereto.

The Assignee, Sicel Technologies, Inc., hereby consents to the correction of inventorship for the above-referenced patent application to name Chang-Soo Kim, Troy H. Nagle, Charles W. Scarantino, Stefan Ufer, Jason Fiering and Babram Kermani as the inventors.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

6/28/04
Date

919-465-2236
Telephone Number

Sicel Technologies, Inc.

ROBERT D. BLACK
Typed or printed name

[Signature]
Signature

CEO
Title

ASSIGNMENT

THIS ASSIGNMENT, made by us **Charles W. Scarantino**, citizen of the United States of America, residing at 909 Blenheim Drive, Raleigh, North Carolina 27612 and **Lester C. Hall**, citizen of the United States of America, residing at 817 Colleton Road, Raleigh, North Carolina 27610;

WITNESSETH: That,

WHEREAS, we are the joint inventors of certain new and useful improvements in **METHODS, SYSTEMS, AND ASSOCIATED IMPLANTABLE DEVICES FOR DYNAMIC MONITORING OF PHYSIOLOGICAL AND BIOLOGICAL PROPERTIES OF TUMORS** for which an application for United States Letters Patent has been filed in the United States Patent and Trademark Office on **September 29, 1999**, under Serial No. **09/407,359**, and

WHEREAS, **SICEL Technologies, Inc.**, a North Carolina corporation having a principal place of business at P.O. Box 2347, Chapel Hill, North Carolina 27515-2347, hereinafter referred to as assignee, is desirous of acquiring the entire right, title, and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all provisionals from which the application claims priority, continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, including any term extensions granted thereon, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors

and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 23rd day of November, 1999.

Charles W. Scarantino (SEAL)
Charles W. Scarantino

Lester C. Hall (SEAL)
Lester C. Hall